



CITY PLANNING COMMISSION
CITY OF NEW YORK

OFFICE OF THE CHAIRMAN

REVISED NEGATIVE DECLARATION
Supersedes Negative Declaration Issued on January 21, 2014

Project Identification

CEQR No. 14DCP086M
ULURP Nos. 140204ZSM, 140205ZSM, 140206ZSM
SEQRA Classification: Type I

Lead Agency

City Planning Commission
22 Reade Street
New York, NY 10007
Contact: Olga Abinader
(212) 720-3493

Name, Description and Location of Proposal:

42 Crosby Street

This Revised Negative Declaration has been issued to clarify the current use of the project site, which has changed since the Negative Declaration was issued for the proposal on January 17, 2014. Since that date, the public parking lot that had been in operation on the project site has been removed and is no longer in use. The applicant has stated that the change in project site conditions is related to site remediation and preparation necessary for the Department of Buildings (DOB) approvals. The project site is currently developed with a vacant one-story 814 gross square feet (gsf) structure and a partially paved 8,274 gsf area formerly used as a parking lot. A Revised Environmental Assessment Statement (EAS) that addresses the current use of the site was submitted on June 10, 2014 and concludes that the change in the existing conditions on the project site would not result in any significant adverse impacts and would not alter the conclusions of the January 17, 2014 EAS.

The applicant, Broome Street Owner LLC, is seeking two special permits pursuant to Section 74-712 (a) and (b) of the New York City Zoning Resolution (ZR) to modify use and bulk regulations, and one special permit pursuant to ZR §13-45 and ZR §13-451 to permit an accessory self-parking garage with 10 spaces. The proposed action would facilitate a proposal by the applicant to develop a new approximately 52,400 gsf, seven-story mixed use development with 10 residential units and

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approximately 3,760 gsf of ground floor retail. The project site (Block 483, Lot 35) is located at the northwest corner of Crosby and Broome Streets, in Manhattan's SoHo Cast Iron Historic District, within Manhattan, Community District 2.

The applicant intends to develop a 10-unit residential building with approximately 3,760 gsf of ground-floor retail. However, for conservative analysis purposes, a development with 15 residential units was assumed. As defined by the Historic District Use Permit, ZR Section 74-712(a), 15 units would be the allowable permitted maximum.

The project site is located in a M1-5B district where community facility and light manufacturing uses are allowed. Retail uses are not allowed below the second story. The special permit pursuant to ZR 74-712(a) is required to modify the allowable uses in order to permit residential uses and also allow retail uses below the second floor. The special permit pursuant to ZR 74-712(b) is required to allow a sun control device above the upper story of the proposed building. The special permit pursuant to ZR 13-45 and 13-451 is required to allow 10 proposed accessory parking spaces, which exceed what is allowed as-of-right on the project site. The project site is located within the SoHo Cast Iron Historic District and was issued a Certificate of Appropriateness by the Landmarks Preservation Commission (LPC) on June 27, 2013. The LPC approval includes a Construction Protection Plan (CPP) to prevent construction related impacts to historic resources.

The proposed project is expected to be completed by 2016. Absent the proposed action the existing conditions would remain unchanged.

To avoid the potential for significant adverse impacts related to hazardous materials and noise, an (E) designation (E-331) has been incorporated into the proposed action on (Block 483, Lot 35), as described below.

The (E) designation text related to hazardous materials is as follows:

Task 1: Sampling Protocol

Prior to construction, the Applicant submits to OER, for review and approval, a Phase II Investigation Protocol/Work Plan, including a description of methods and a site map with all sampling locations clearly and precisely represented.

No sampling should begin until written approval of a protocol is received from OER. The number and location of samples should be selected to adequately characterize the site, the specific source of suspected contamination (i.e., petroleum-based contamination and non-petroleum-based contamination), and the site's condition. The characterization should be complete enough to determine what remediation strategy (if

any) is necessary after review of the sampling data. Guidelines and criteria for selecting sampling locations and collecting samples are provided by OER upon request.

Task 2: Remediation Determination and Protocol

A written report with findings and a summary of the data must be submitted to OER after completion of the testing phase and laboratory analysis for review and approval. After receiving such results, a determination is made by OER if the results indicate that remediation is necessary. If OER determines that no remediation is necessary, written notice shall be given by OER.

If remediation is indicated from the test results, a proposed remedial action plan must be submitted to OER for review and approval. The Applicant must complete such remediation as determined necessary by OER. The Applicant should then provide proper documentation to OER that the work has been satisfactorily completed.

An OER-approved construction health and safety plan would be implemented during excavation and construction and activities to protect workers and the community from potentially significant adverse impacts associated with contaminated soil and/or groundwater. This plan would be submitted to OER for review and approval prior to implementation.

With the assignment of the (E) designation on the project site, no significant adverse impacts related to hazardous materials would be result from the proposed action.

The (E) designation text related to noise is as follows:

In order to ensure an acceptable interior noise environment, future residential and commercial uses must provide a closed window condition with a minimum of 33 dBA window/wall attenuation in order to maintain an interior noise level of 45 dBA. In order to maintain a closed-window condition, an alternate means of ventilation must also be provided. Alternate means of ventilation includes, but is not limited to, air conditioning.

With the assignment of the (E) designation on the project site, no significant adverse impacts related to noise would result from the proposed action.

Statement of No Significant Effect:

The Environmental Assessment and Review Division of the Department of City Planning, on behalf

of the City Planning Commission, has completed its technical review of the Environmental Assessment Statement, dated January 17, 2014, and the Revised Environmental Assessment Statement, dated June 10, 2014, prepared in connection with the ULURP Application (Nos. 140204ZSM, 140205ZSM, 140206ZSM). The City Planning Commission has determined that the proposed action will have no significant effect on the quality of the environment.

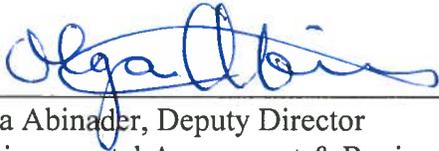
Supporting Statement:

The above determination is based on an environmental assessment which finds that:

1. The (E) designation for hazardous materials and noise would ensure that the proposed action would not result in significant adverse impacts.
2. To avoid inadvertent demolition and/or construction-related damage to historic resources, the applicant has stated they will prepare a Construction Protection Plan (CPP), which would be coordinated with LPC and implemented in consultation with a licensed professional engineer. This CPP would be prepared as set forth in Chapter 9 Section 522 of the CEQR Technical Manual and in compliance with the procedures included in the DOB's TPPN #10/88 and LPC's Guidelines for Construction Adjacent to a Historic Landmark and Protection Programs for Landmark Buildings. The CPP would be prepared and implemented prior to demolition and construction activities on the project site and project-related demolition and construction activities would be monitored as specified in the CPP.
3. No other significant effects on the environment which would require an Environmental Impact Statement are foreseeable.

This Revised Negative Declaration has been prepared in accordance with Article 8 of the Environmental Conservation Law 6NYCRR part 617.

Should you have any questions pertaining to this Revised Negative Declaration, you may contact Ingrid Young at (212) 720-3425.



Olga Abinader, Deputy Director
Environmental Assessment & Review Division
Department of City Planning

Date: June 10, 2014

Carl Weisbrod, Chairman
City Planning Commission

Date: June 11, 2014